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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,631	02/10/2004	Stephen Bolin Venzke	10030725-1	1317

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EXAMINER	
HOANG, TU BA	
ART UNIT	**PAPER NUMBER**
2832	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/775,631	VENZKE, STEPHEN BOLIN	
	Examiner	Art Unit	
	Tu Ba Hoang	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) *33-35* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendments/Arguments

Applicant's arguments/amendments filed October 27, 2005 have been fully considered but they are not persuasive as for the following reasons:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected ùnder 35 U.S.C. 102(b) as being anticipated by Ludwig (4,336,743) cited in the previous Office Action. Ludwig discloses the claimed invention at Figs. 1-3 with any of two the resistors 50, 54 and 56 as input or input power resistors and any two of the terminals 68 forming ports 68, where there are many combinations since there are 6 ports, and a thermal linking agent or base 30 to provide a low-loss thermal path between the input signal resistor and input power resistor 50,54,56. Thus for claim 32 there are a plurality of signal pods and power pods. The total power is constant since a DC signal is used at the top.of col. 1, where there are two DC motor speeds. For claims 2-3, all resistors dissipate. For claim 4, the substrate is 30. For claim 5, the metal between resistors is a physical contact connection. For claim 6, the total power must equal the power in one resistor minus the power in the remaining resistors in the device. For claim 7, there may be any combination of AC or DC. For claim 8, there may more than one resistor for both the input power and signal resistors, where one resistor may function as both. The remaining claims follow from claims 2-7 above, where they have the same elements (While the total power may vary due to the temperature coefficients, applicant's total power also varies somewhat as noted at page 15 of his description, but the total power of the Ludwig device will no vary much at low voltages since there is minimal heating. Nonetheless, there is no claimed distinction, where any variances is one of degree without specificity). Or note as an alternative, there may be no power put to the device, therefor the power dissipated is constant.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (2, 378, 873) cited in the previous Office action. Thompson discloses the claimed invention at Fig. 1 with the input port the single signal port between 22 and the output port the power pod between 23, 25, and signal resistor 1 and output resistor 2. The terminal linking agent is 3. The total power is constant since the series resistance is constant as noted at page 2, lines 67-75. For claims 2-3 the resistors dissipate. For claim 4, the resistors are on the substrate 3. For claim 5, 3 is a heat sink or contact connection. For claim 6, the total power is the constant minus the power in one or the other. For claim 7, there may be AC or DC. For claim 8 resistors 1 and 2 may be the plurality of the signal or power resistors or shared by both.

REMARK

For clarification on the record, the present application contains 1-35 which are pending with claims 33-35 have been withdrawn from consideration as being directed to non-elected inventions.

With respect to applicant's argument over the rejection of claims 1-32 under 35 USC 112, first paragraph as based on a disclosure which is not enabling. In lieu of the amendment to the specification. Such rejection has been withdrawn.

With respect to applicant's argument over the rejection of claims 1-32 over Ludwig (US 4,339,743) under 35 USC 102(b). The applicant argued that the Examiner asserts, "Ludwig discloses the claimed invention at Figs. 1-3 with any of two [sic] the resistors 50, 54 and 56 as input or input power resistors and any two of the terminal 68 forming ports 68, where there are many combinations since there are 6 ports." Ludwig, however, shows electrically interconnected resistors (Ludwig's Figure 1) and the interconnects (shown mechanically in Figures 2, 3). The claimed invention, conversely, does not recite electrically connected signal port resistors and power port resistors. Claim 1, for instance, recites that the single signal port accepts an input signal and the single power port accepts an input power signal. This is a basic difference between the claimed invention and the Ludwig reference. It should be noted that is not possible to obtain the claimed arrangement of the present invention from a rearrangement of the resistors of Ludwig Figures 1-3, which requires electrically interconnected components. Moreover, the examiner does not show that Ludwig teaches a thermal linking agent between all resistors such that all resistors remain at the same constant temperature, as recited in the third element, for instance, of independent claims 1, 9,17, 25, and thus all dependent claims of the present invention. Indeed, this recitation of the claims is never addressed in the claim rejections of the office action. These remarks apply to claim 1, as well as to all other rejected claims, including dependent claims. With regard to claim 32, in which a plurality of signal ports and power ports are recited, it is noted that the resistors 50, 54, and 56 of Ludwig are electrically interconnected and therefore cannot be rearranged as signal port resistors and power port resistors of the claim. It is not seen that a plurality of signal pods and power ports could be fashioned from the teachings of Ludwig (emphasis added). Furthermore, no thermal coupling between signal pod resistors and power port resistors is claimed by Ludwig, whereas the claimed present invention recites thermal coupling between signal pod resistors and power port resistors. Again, as discussed above, Ludwig never contemplates thermal coupling. With regard to the total power dissipated in the Ludwig network, this is irrelevant insofar as it has been shown that other elements of the claims are not taught by Ludwig. With regard to claims 2-8, these claims depend from claim 1, which has been shown to be patentably distinct from the Ludwig reference. Moreover, with regard to claim 7, it is noted that this claim recites the makeup of the input signal and power pods, which, again, are not disclosed or taught by Ludwig. Please reference the discussion of separate ports of the claimed invention versus the electrically interconnected signals of

Ludwig, above. With regard to claim 8, the basis of rejection is not understood. The claim does not state that the input signal resistor and the input power resistor may be the same, as stated in the rejection. Also, the discussion at page 3 of the office action directed to variance of the total power in response to temperature coefficients versus the total power of the Ludwig device is not understood. It is also not understood against which claims this comment is directed. Clarification is respectfully requested (emphasis added).

The Examiner disagreed a for the reason that even thought the claim (i.e., claim 1) recited that the single signal port accepts an input signal and the single power port accepts an input power signal as a basic difference between the claimed invention and the Ludwig reference, the use of the phrase "comprising" as the open ended phrase clause does not preclude or exclude the use of more than one signal ports and power ports and thus it would be possible to obtain the claimed arrangement of the present invention from a re-arrangement of the resistors of Ludwig as shown Figures 1-3, which requires electrically interconnected components. Moreover, Ludwig does show the thermal linking agent as the base 30 between all resistors. It is noted that there is no indication that the thermal linking agent or base 30 is provided so that all resistors remain at the same constant temperature. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the thermal linking agent is provided so that all resistors remain at the same constant temperature) are not recited in the rejected claim(s).

With respect to applicant argument over the rejection of claims 1-8 under 35 USC 102(b) as being anticipated by Thompson (US 2,378,873),the Applicant traverses this rejection because it is not understood how the resistors of Thompson's Figure 1 anticipate the resistors of the electrically distinct single signal port and single power port of Applicant's claim 1. Resistor 1 and resistor 2, as shown in Thompson's Figure 1, are electrically interconnected. They therefore may not properly be construed as an input signal resistor and an input power resistor of the claims. It is not seen as relevant what the function of structural member 3 of Thompson Figure 1 does, because it is not proper to interpret the two resistor network of Thompson as the resistor network of the present claims. Again, the resistors of Thompson are electrically interconnected, whereas the present claimed invention are not. It further follows that whether the total power is constant or not in the Thompson network is irrelevant, as it fails to cure the defect noted above. With regard to claims 2-8, these claims depend from claim 1 which Applicant respectfully submits has been shown to be patentably distinct over the Ludwig and Thompson references of record (emphasis added).

The Examiner disagrees as for the reasons that Thompson does in fact shows all of the claimed features. Whether the resistors of Thompson are electrically interconnected or not is irrelevance to applicant's argument because such feature or interconnection is not claimed (i.e., claim 1 does not indicated neither the resistors being connected nor the resistor being not connected) and furthermore, with the total

constant power disclosed in Thompson, it is clear there must be some constant power dissipation within the unit.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. It is also noted that a recitation of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing a particular function, then it meets the claim unless result in a manipulative difference as compared to the prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Ba Hoang whose telephone number is (571) 272-4780. The examiner can normally be reached on Mon-Thu from 8:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tu Ba Hoang
Primary Examiner
Art Unit 2832

January 08, 2006